

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL WRIT PETITION 590 OF 2021

(M/s. Fire Arcor Infrastructure (Pvt) Ltd..vs.. Manohar s/o. Shripad Patwardhan)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. S.S. Dewani, counsel for petitioner.
Mr. Mandlekar, counsel for respondent.

CORAM: ROHIT B. DEO, J.

DATE: 14.09.2021.

The challenge is to the order of the District Consumer Redressal Commission ("Commission"), Nagpur, whereby the application preferred by the petitioner objecting to maintainability of the execution proceedings, is rejected.

2. It appears to this Court, that the order which is impugned is rendered in exercise of power under section 72 of the Consumer Protection Act, 2019 and is therefore, appealable under section 73.

3. In this view of the matter, it would be appropriate if the alternate remedy, and which is equally efficacious, is availed.

4. Every contention raised in the Petition and in

opposition, is kept expressly open.

5. This Petition is disposed of with liberty to the petitioner to avail the alternate remedy.

6. Since an ad-interim order is in operation subject to the petitioner complying with the directions issued by the District Forum, and an affidavit of compliance is filed by the petitioner, the interim order dated 18.8.2021 is continued for the next three weeks, during which period the petitioner shall approach the Commission.

Judge

Belkhede